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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/665,501

**Applicant(s)**

SUGIMOTO ET AL.

**Examiner**

KISHIN G. BELANI

**Art Unit**

2443

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to Applicants' RCE filed on 11-13-2008. **Independent Claims 1, 3 and 9 have been amended.** Claims 1-9 are now pending in the present application. The applicants' amendments to claims are shown in ***bold and italics***, and the examiner's response to the amendments is shown in **bold** in this office action.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2008 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 discloses that "a winning notification is attached to only one of the received emails sent from said first mobile terminal prior to

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being reviewed by said second mobile terminal", without disclosing in the claim that the entire email contents of the winning email are saved in order to attach the winning notification to it. Since the storage disclosed in the claim is used only for storing send information of the email and not the entire email, it is not clear how the winning notification will be attached to the email that has not been saved, after the winner of the lottery is determined. Independent **claim 3** also recites similar limitation, and is therefore rejected for the same reason. Dependent **claims 2 and 4-8 are also rejected** under 112 second for the reason of their dependency on the rejected independent claims 1 and 3.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 3 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)**.

Consider **claim 3**, Gogerty shows and discloses an e-mail processing server for relaying emails **which are** transmitted between mobile terminals and performing a

lottery to award a prize to users of the mobile terminals **(Abstract that discloses a system and method for rewarding users of an electronic communication system by performing a periodic free random lottery drawing from a pool of e-mail recipients; Fig. 7 that shows a wireless communication system adapted to perform a lottery to award a prize to a user 702 of a mobile terminal, wherein a message processing server 706 includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients, and a lottery processing block 106; paragraph 0034 discloses the same details, further disclosing that the mobile device may be a mobile phone, PDA, pager, or any other text or video communication-capable device), comprising:**

a sending/receiving unit that receives an e-mail from a first mobile terminal and sends the e-mail to a second mobile terminal **(Fig. 7 that shows a sending/receiving unit 706 (a message processing server that includes gateway 104, shown as 101 in Fig. 7) that receives an e-mail from a first mobile terminal 702 and sends the e-mail to a second mobile terminal 702; paragraph 0034 describes the same details);**

a storing unit that stores send information of the e-mail, which is sent by the sending/receiving unit, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals **(Fig. 3 that shows storage 306 (a lottery database) for storing unique extracted message details 302 from an incoming message, in order to decide a winner while performing a lottery; paragraph 0026 discloses the same details; paragraph 0028**

**further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the message volume (such as number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message); and**

a lot-drawing unit that executes a lot-drawing applied to a user of the second mobile terminal when the send information stored in the storing unit satisfies a predetermined condition (**abstract that discloses generating in real time, a unique ID for each message and then later performing a periodic free random lottery drawing from the pool of unique IDs; Figs. 3 and 4 show the same details; paragraphs 0006 and 0026 disclose the details of a lot-drawer for executing a lot-drawing; paragraph 0028 further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the message volume (such as number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message),**

*wherein when the lottery-drawing results in the user of the second mobile terminal winning a prize, a winning notification is attached to only one of the received e-mails sent from the first mobile terminal to the second mobile terminal (Fig. 4, step 414 that shows a winning notification being sent to the sender of the*

e-mail; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message; Figs. 4 and 5 that show and paragraphs 0027-0030 that disclose two different embodiments of notifying a lottery winner, wherein in Fig. 4, a single lottery winner is notified (in step 414) in a message separate from the winning e-mail message to the recipient, Fig. 5 shows creating a message appendage (in step 504) and adding it to the received e-mail message (in step 506), then sending the modified message to the recipient, thereby providing a teaching to a person of ordinary skill in the art to attach a winning notification to *only one of the received* e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal, if the winning probability results in the second mobile terminal winning a prize).

Consider **claim 9**, Gogerty shows and discloses a system that monitors emails sent and received by mobile terminals for use in a lottery (**Abstract that discloses a system and method for rewarding users of an electronic communication system by performing a periodic free random lottery drawing from a pool of e-mail recipients**; Fig. 7 that shows a wireless communication system adapted to perform a lottery to award a prize to a user 702 of a mobile terminal, wherein a message processing server 706 includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients, and a lottery processing block 106; paragraph 0034 discloses the same details,

**further disclosing that the mobile device may be a mobile phone, PDA, pager, or any other text or video communication-capable device), comprising:**

**at least first and second mobile terminals (Fig 7 that shows a sending mobile terminal (mobile phone 702) as well as a receiving mobile terminal (mobile phone 702) sending and receiving messages, including e-mail messages; paragraphs 0023-0024 describe the same details); and**

**a server which relays the emails sent from one of said first or second mobile terminals to the other, the server storing mobile terminal information which includes the number of emails received by each of the at least first and second mobile terminals and also the total amount of data received by each of the at least first and second mobile terminals, wherein the server determines a winner of a prize using at least part of the mobile terminal information (Fig. 7 that shows a message processing server 706, which includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages between mobile terminals; Fig. 3 that shows storage 306 (a lottery database) for storing unique extracted message details 302 from an incoming message, in order to decide a winner while performing a lottery; paragraph 0026 discloses the same details; paragraph 0028 further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the message volume (such as number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user**



either sending or receiving an e-mail message), and *attaches a winning notification when this determination is made to only one email corresponding to the winner* (Fig. 4, step 414 that shows a winning notification being sent to the sender of the e-mail; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message; Figs. 4 and 5 that show and paragraphs 0027-0030 that disclose two different embodiments of notifying a lottery winner, wherein in Fig. 4, a single lottery winner is notified (in step 414) in a message separate from the winning e-mail message to the recipient, Fig. 5 shows creating a message appendage (in step 504) and adding it to the received e-mail message (in step 506), then sending the modified message to the recipient, thereby providing a teaching to a person of ordinary skill in the art to attach a winning notification to *only one of the received e-mail* sent from said first mobile terminal prior to being reviewed by said second mobile terminal, if the winning probability results in the second mobile terminal winning a prize).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Von Kohorn (U.S. Patent Publication # 5,697,844)**.

Consider **claim 1**, Gogerty shows and discloses an e-mail processing server for relaying an e-mail which is transmitted between mobile terminals and performing a

lottery to award a prize to a user of the mobile terminal (**Abstract that discloses a system and method for rewarding users of an electronic communication system by performing a periodic free random lottery drawing from a pool of e-mail recipients; Fig. 7 that shows a wireless communication system adapted to perform a lottery to award a prize to a user of a mobile terminal 702, wherein a message processing server 706 includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients, and a lottery processing block 106; paragraph 0034 discloses the same details, further disclosing that the mobile terminal may be a mobile phone, PDA, pager, or any other text or video communication-capable device), comprising:**

a receiver for receiving an e-mail from a first mobile terminal and a sender for sending the e-mail to a second mobile terminal (**Fig. 7 that show a sender 702 as well as a receiver 702 of a message, including an e-mail message; paragraph 0034 describes the same details);**

a storage for storing send information of the e-mail, which is sent from the receiver or sender, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals (**Fig. 3 that shows storage 306 (a lottery database) for storing unique extracted message details 302 from an incoming message, in order to decide a winner while performing a lottery;**

paragraph 0026 discloses the same details; paragraph 0028 further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the

message volume (such as the number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message);

and a lot-drawer for executing a lot-drawing from the winning probability decided by the winning probability decider (abstract that discloses generating in real time, a unique ID for each message and then later performing a periodic free random lottery drawing from the pool of unique IDs; Figs. 3 and 4 show the same details; paragraphs 0006 and 0026 disclose the details of a lot-drawer for executing a lot-drawing);

wherein if the winning probability results in the second mobile terminal winning a prize, a winning notification is attached to **only one of the received** e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal (Fig. 4, step 414 that shows a winning notification being sent to the sender of the e-mail; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message; Figs. 4 and 5 that show and paragraphs 0027-0030 that disclose two different embodiments of notifying a lottery winner, wherein in Fig. 4, a single lottery winner is notified (in step 414) in a message separate from the winning e-mail message to the recipient, Fig. 5 shows creating a message appendage (in step 504) and adding it to the received e-mail message (in step 506), then sending the modified message to the recipient, thereby providing a teaching to a person of

**ordinary skill in the art to attach a winning notification to *only one of the received* e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal, if the winning probability results in the second mobile terminal winning a prize).**

However, Gogerty does not explicitly disclose a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the sent information stored in the storage.

In the same field of endeavor, Von Kohorn discloses a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the sent information stored in the storage (column 121, lines 4-38 that while all entered responses in the described contest have a chance of winning a sweepstakes prize, entered responses with superior scores are weighted so as to increase the probability of winning).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the sent information stored in the storage, as taught by Von Kohorn, in the claimed server of Gogerty, so that the customers that either receive more e-mails or have larger volume of e-mail content, have better chance of winning the lottery, and therefore, be tempted to continue generating higher email traffic, thereby enhancing the revenue generation for the company.

**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogerty (U.S. Patent Application Publication # 2004/0117245 A1) in view of Von Kohorn (U.S. Patent Publication # 5,697,844), and further in view of Noh et al. (U.S. Patent Application Publication # 2001/0051896 A1).

Consider **claim 2**, and **as applied to claim 1 above**, Gogerty as modified by Von Kohorn, shows and discloses the claimed invention except further comprising a notice information sender for sending notice information, which informs the second mobile terminal that an e-mail has been sent to the recipient; and a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver.

In the same field of endeavor, Noh et al. show and disclose a notice information sending means for sending notice information, which informs the second mobile terminal that an e-mail has been sent to the recipient (Fig. 3F, that shows received mail tray 660 in Outlook Express Window and block 650 which is the notice from the SMTP server to the recipient of the e-mail; paragraph 0086 which indicates the presence of a notice information sending means at the sending server that sent the e-mail notices to the recipient); and a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice

information shows (Fig. 3G that shows block 651 representing notice from the server, the block containing "acceptance" button 652 as well as "cancel" button; either of which when clicked, requests the sending server to send an e-mail that the notice information shows; which indicates the presence of a request-to-send information receiving means at the sending server);

wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver (Fig. 3H that shows an advertisement window 651 sent by the server along with the e-mail to the second mobile terminal recipient in response to the recipient clicking on either the "acceptance" button 652 or the "cancel" button in Fig. 3G; which indicates the presence of a sending means for sending an e-mail to the second mobile terminal).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a notice information sender for sending notice information, which informs the second mobile terminal that an e-mail has been sent to the recipient; and a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver, as taught by Noh et al., in the server of Gogerty, as modified by Von Kohorn, to provide additional means of communications for the second mobile terminal user by giving the user options to either accept the gift and the email or reject the gift and only receive the email by clicking on the appropriate buttons.

**Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Noh et al. (U.S. Patent Application Publication # 2001/0051896 A1)**.

Consider **claim 4**, and **as applied to claim 3 above**, Gogerty shows and discloses the claimed server, wherein the sending/receiving unit includes: a receiving unit that receives the e-mail from the first mobile terminal (**Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for receiving and forwarding e-mail and other (SMS or multimedia) messages from mobile phone message senders to recipients**).

However, Gogerty does not specifically disclose a notice information sending unit that sends notice information, which informs an event that the e-mail is sent, to the second mobile terminal; a request-to-send information receiving unit that receives request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; and a sending unit that sends the e-mail to the second mobile terminal in response to the request-to-send information by the request-to-send information receiving unit.

In the same field of endeavor, Noh et al. show and disclose a notice information sending unit that sends notice information, which informs an event that the e-mail is sent to the second mobile terminal (Fig. 3F, that shows received mail tray 660 in Outlook Express Window and block 650 which is the notice from the SMTP server to the



recipient of the e-mail; paragraph 0086 which indicates the presence of a notice information sending means at the sending server that sent the e-mail notices to the recipient);

a request-to-send information receiving unit that receives request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows (Fig. 3G that shows block 651 representing notice from the server, the block containing "acceptance" button 652 as well as "cancel" button; either of which when clicked, requests the sending server to send an e-mail that the notice information shows; which indicates the presence of a request-to-send information receiving means at the sending server); and

a sending unit that sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiving unit (Fig. 3H that shows an advertisement window 651 sent by the server along with the e-mail to the second mobile terminal recipient in response to the recipient clicking on either the "acceptance" button 652 or the "cancel" button in Fig. 3G; which indicates the presence of a sending means for sending an e-mail to the second mobile terminal).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a notice information sending unit that sends notice information, which informs an event that the e-mail is sent, to the second mobile terminal; a request-to-send information receiving unit that receives request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; and a sending unit that sends the e-mail to the

second mobile terminal in response to the request-to-send information by the request-to-send information receiving unit, as taught by Noh et al., in the server of Gogerty, to provide additional means of communications for the second mobile terminal user by giving the user options to either accept the gift and the email or reject the gift and only receive the email by clicking on the appropriate buttons.

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Von Kohorn (U.S. Patent Publication # 5,697,844)** and further in view of **Acres (U.S. Patent Application Publication # 2002/0061778 A1)**.

Consider **claim 5**, and **as applied to claim 1 above**, Gogerty, as modified by Von Kohorn, shows and discloses the claimed e-mail processing server, including sending the e-mail to the mobile terminal (**in Gogerty reference, Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702**).

However, Gogerty as modified by Von Kohorn, does not specifically disclose an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sender for attaching the storing

location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored (Fig. 10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who

won the lot-drawing, as taught by Acres, in the server of Gogerty, as modified by Von Kohorn, to provide location of the prize information database in an email to the recipient so as to help the winner recipient quickly claim his or her prize.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Acres (U.S. Patent Application Publication # 2002/0061778 A1)**.

Consider **claim 6**, and as applied to **claim 3 above**, Gogerty shows and discloses the claimed e-mail processing server, including sending the e-mail to the mobile terminal (**Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702**).

However, Gogerty does not specifically disclose an acquiring unit that acquires from a database, storing location information showing location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring unit that acquires from a database, storing location information showing location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored (Fig.

10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring unit that acquires from a database, storing location information showing location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing, as taught by Acres, in the server of Gogerty, to provide location of the prize information database in an email to the recipient so as to help the winner recipient quickly claim his or her prize.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogerty (U.S. Patent Application Publication # 2004/0117245 A1) in view of Von Kohorn (U.S. Patent Publication # 5,697,844) and further in view of Acres (U.S. Patent Application Publication # 2002/0061778 A1) and further in view of Landress et al. (U.S. Patent Application Publication # 2003/0191816 A1).**

Consider **claim 7**, and **as applied to claim 1 above**, Gogerty, as modified by Von Kohorn, shows and discloses the claimed e-mail processing server, including sending the e-mail to the mobile terminal **(in Gogerty reference, Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702).**

However, Gogerty, as modified by Von Kohorn, does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal; an acquiring device for acquiring, from a database, storing location information showing a location on a network, where the digital contents are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are

stored (Fig. 10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and  
a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring device for acquiring, from a database, storing location information showing a location on a network, where the digital contents are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing, as taught by Acres, in the server of Gogerty, as modified by Von Kohorn, to provide location information of the prize in an email to the recipient so as to help the winning recipient quickly claim his or her prize.

However, Gogerty, as modified by Von Kohorn, and Acres, does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal.

In the same field of endeavor, Landress et al., disclose a system for delivering customized multimedia communications (Abstract that disclose communicating personalized entertainment such as screensavers, reminder services, etc. integrally associated with sponsorship or advertisement information via the Internet or e-mail; paragraph 0004 that also specifies wireless networks used by cell phone users as delivery channels for the media delivery; paragraph 0016 additionally lists promotional "jingles" equivalent to cell phone ring tones and other audio segments (paragraph 0061, lines 1-5) as additional multimedia items to be delivered; paragraph 0060 that discloses an e-mail server 28a included in the web server 28 that allows users to send/receive e-mails; paragraph 0146, lines 8-11 that disclose the use of cellular phones in the system).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide prizes, in the form of digital contents that are enabled to play with the mobile terminal, as taught by Landress et al., in the server of Gogerty, as modified by Von Kohorn and Acres, to provide instant enjoyment of the prize that the recipient can play on a mobile terminal.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogerty (U.S. Patent Application Publication # 2004/0117245 A1) in view of Acres (U.S. Patent Application Publication # 2002/0061778 A1) and further in view of Landress et al. (U.S. Patent Application Publication # 2003/0191816 A1).**



Consider **claim 8**, and **as applied to claim 3 above**, Gogerty shows and discloses the claimed e-mail processing server, including sending the e-mail to the mobile terminal (**Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702**).

However, Gogerty does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal; an acquiring unit that acquires storing location information showing storing location on a network, where the digital contents are stored, from a database; and a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring unit that acquires storing location information showing storing location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored, from a database (Fig. 10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and

a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring unit that acquires storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored, from a database; and a storing location information sending unit that attaches the storing location information acquired by the acquiring unit to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing, as taught by Acres, in the server of Gogerty, to provide location information of the prize in an email to the recipient so as to help the winning recipient quickly claim his or her prize.

However, Gogerty, as modified by Acres, does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal.

In the same field of endeavor, Landress et al., disclose a system for delivering customized multimedia communications (Abstract that disclose communicating personalized entertainment such as screensavers, reminder services, etc. integrally associated with sponsorship or advertisement information via the Internet or e-mail; paragraph 0004 that also specifies wireless networks used by cell phone users as delivery channels for the media delivery; paragraph 0016 additionally lists promotional "jingles" equivalent to cell phone ring tones and other audio segments (paragraph 0061,

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lines 1-5) as additional multimedia items to be delivered; paragraph 0060 that discloses an e-mail server 28a included in the web server 28 that allows users to send/receive e-mails; paragraph 0146, lines 8-11 that disclose the use of cellular phones in the system).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide prizes, in the form of digital contents that are enabled to play with the mobile terminal, as taught by Landress et al., in the server of Gogerty, as modified by Acres, to provide instant enjoyment of the prize that the recipient can play on a mobile terminal.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit: 2443

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building

401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

***/Kishin G Belani/  
Examiner, Art Unit 2443***

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January 19, 2009

/George C. Neurauter, Jr./

Primary Examiner, Art Unit 2443